

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

<b>UNITED STATES OF AMERICA,</b>	)	
	)	
<b>Plaintiff,</b>	)	<b>8:06CR146</b>
	)	
	)	
	)	<b>ORDER</b>
<b>MARCUS C. WINN,</b>	)	
	)	
<b>Defendant.</b>	)	

Defendant Marcus C. Winn (Winn) appeared on a Petition for Warrant or Summons For Offender Under Supervision (report) (Filing No. 38) on January 9, 2009. Through counsel, Assistant Federal Public Defender Jessica P. Douglas, Winn waived his right to a probable cause hearing on the violation of conditions of supervised release. I find from the report there is probable cause Winn has violated the terms of his supervised release, and Winn is held to answer for a final dispositional hearing before the Honorable Lyle E. Strom.

The government moved for detention. Through counsel, Winn declined to present any evidence on the issue of detention and otherwise waived a detention hearing. Since it is Winn's burden under 18 U.S.C. § 3143 to establish by clear and convincing evidence that he is neither a flight risk nor a danger to the community, the court finds Winn has failed to carry his burden and Winn should be detained pending a dispositional hearing before Senior Judge Lyle E. Strom.

**IT IS ORDERED:**

1. A final dispositional hearing in this matter will be held before the Honorable Lyle E. Strom in Courtroom Number 5, Third Floor, Roman L. Hruska U.S. Courthouse, 111 South 18th Plaza, Omaha, Nebraska, **at 10:30 a.m. on January 29, 2009.** Defendant must be present in person.

2. Defendant Marcus C. Winn is committed to the custody of the Attorney General or his designated representative for confinement in a correctional facility;

3. Defendant shall be afforded a reasonable opportunity for private consultation with defense counsel; and

4. Upon order of a United States court or upon request of an attorney for the government, the person in charge of the corrections facility shall deliver defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

DATED this 9th day of January, 2009.

BY THE COURT:

s/Thomas D. Thalken  
United States Magistrate Judge